

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2399 - HB 2713

February 21, 2012

SUMMARY OF BILL: Broadens the Class E felony offense for a person who knowingly violate provisions of the Tennessee Sexual Offender and Violent Offender Registration, Verification and Tracking Act of 2004 by failing to provide a DNA sample as required by Tenn. Code Ann. § 40-35-21, §40-39-203(n), or other applicable statute.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures- \$5,700/Incarceration*

Assumptions:

- Currently, a first offense is punishable by a minimum fine of \$350 and minimum incarceration of 90 days; a second violation is punishable by a minimum fine of \$600 and minimum incarceration of 180 days; and a third or subsequent violation is punishable by a minimum fine of \$1,100 and minimum incarceration of one year.
- According to information provided by the Department of Correction (DOC), there has been an average of 47 admissions for violations of the Act in each of the past 10 years.
- The estimate assumes there will be one additional offender every five years for failure to provide a DNA sample.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per offender is \$5,737.41 (0.20 annual number of offenders x \$28,687.03).
- Any increase in court cases of state trial courts can be accommodated within judicial existing resources without an increased appropriation or reduced reversion.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc